

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

JACK MARTELL, et al.,

Plaintiffs,

Case No. 08-4310-CV-C-SOW

v.

ALZA CORPORATION

Defendant.

**JOINT MOTION TO AMEND SCHEDULING ORDER**

COME NOW PLAINTIFFS JACK MARTELL, WILLIAM B. VOGEL, AND LYNN VOGEL, JR., and DEFENDANT ALZA CORPORATION and move the Court to enter its Order amending the April 14, 2009 Scheduling Order [Doc. 12] and May 3, 2010 Scheduling Order [Doc. 48] by extending:

1. The close of all discovery to August 31, 2010, and
2. The dispositive motion deadline to September 30, 2010.

In support of this motion, the parties state as follows:

1. All parties have joined and consent to this proposed extension.
2. This is the second extension of time requested.
3. Plaintiffs have produced all of their experts for deposition. Given the parties' and the experts' schedules through the months of July and August, the parties seek until August 31, 2010 to complete the remaining depositions, including depositions of defense experts.
4. This is a complex product liability and wrongful death case requiring the deposition of many experts and professionals whose schedules are difficult to coordinate.
5. No party will be prejudiced by this extension of time.

6. The parties understand that the special trial setting, originally scheduled before Judge Wright, is required to be scheduled before Judge Gaitan if the matter does not settle, and that the parties will have to coordinate trial scheduling with Judge Gaitan.

WHEREFORE the parties respectfully request that the Court enter its Order amending the Scheduling Order, and for such other and further relief as the Court deems just and proper.

BAKER, STERCHI, COWDEN & RICE, L.L.C.

/s/ Bryan E. Moubert

Thomas N. Sterchi MO #21508

Bryan E. Moubert MO #49388

One Crown Center

2400 Pershing, Suite 500

Kansas City, Missouri 64108

Tel: (816) 448-9375

Fax: (816) 472-0288

Sterchi@bscr-law.com

Moubert@bscr-law.com

**ATTORNEYS FOR DEFENDANT**

DAVIS, BETHUNE & JONES, LLC

/s/ Shawn G. Foster

Grant L. Davis MO#34799

Shawn Gayland Foster MO#47663

1100 Main, Suite 2930

P. O. Box 26250

Kansas City , MO 64196

Tel 16-421-1600

Fax 816-472-5972

[gdavis@dbjlaw.net](mailto:gdavis@dbjlaw.net)

[sfoster@dbjlaw.net](mailto:sfoster@dbjlaw.net)

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was electronically sent on this day, July 20, 2010, to:

Michael Heygood  
Charles W. Miller  
HEYGOOD, ORR & PEARSON  
2331 W. Northwest Highway, 2<sup>nd</sup> Fl.  
Dallas , TX 75220  
Tel 214 526-7900  
Fax 214-526-7910  
[charles@hop-law.com](mailto:charles@hop-law.com)  
[heygood@hop-law.com](mailto:heygood@hop-law.com)

**ATTORNEYS FOR PLAINTIFFS**

/s/ Bryan E. Moubert \_\_\_\_\_